

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-252-T – ORDER NO. 2021-____
_____, 2021__**

IN	Application of James Powell,)	ORDER GRANTING CLASS E
RE:	d/b/a A to B Moving and Services)	HOUSEHOLD GOODS
	for a Class E (Household Goods))	CERTIFICATE
	Certificate of Public Convenience)	AUTHORITY
	and Necessity for Operation of)	(THREE COUNTIES)
	Motor Vehicle Carrier)	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of James Powell, d/b/a A to B Moving and Services. (hereinafter referred to as "A to B Moving" or the "Applicant"). By its Application, A to B Moving requests a Class E Certificate of Public Convenience and Necessity ("CPCN") with authority to transport household goods in Aiken, Barnwell, and Lexington counties.

II. PROCEDURAL HISTORY

A to B Moving filed its Application with the Commission on October 21, 2020. By letter dated October 28, 2020, the Clerk's Office of the Commission instructed A to B Moving to publish the Notice of Filing (the "Notice") in newspapers of general circulation. Among other things, the Notice provided information regarding the Application and advised any person who desired to participate as a party of record that a Petition to Intervene must be filed on or before December 3, 2020. Notice was timely published. No person intervened as a party of record.

The evidentiary hearing was held virtually on February 3, 2021, with the Honorable Florence P. Belser, presiding. Applicant was represented by Charles Terreni, Esquire. The

South Carolina Office of Regulatory Staff ("ORS"), a party of record pursuant to S.C. Code Ann. § 58-41-10(B) (Supp. 2019), was represented by Christopher Huber, Esquire.

III. EVIDENCE OF RECORD

A to B Moving is a sole proprietorship owned by James Powell. Mr. Powell testified in support of the Application. Mr. Powell worked for two years for A to Z Moving & Services, Inc. in Aiken. He also worked as a gas line surveyor, and for a private jet manufacturer. He decided to open A to B Moving when he learned his previous employer, A to Z Moving & Services, Inc. was closing, and he had the opportunity to purchase its equipment.

A to B Moving owns 2001 FTR Box Truck. Mr. Powell presented insurance quotes for \$1,000,000 in general liability insurance and \$25,000 in cargo insurance. He stated he would purchase worker's compensation insurance once certificated.

A to B Moving will have three employees in addition to Mr. Powell. One of the employees is Mr. Powell's stepfather, the other two have experience with moving companies. A to B Moving will train employees with on-the-job instruction and utilizing videos.

Mr. Powell believes South Carolina's rapid population growth will provide an opportunity for his household goods moving business. A to B Moving will market its services in South Carolina through social media, by distributing business cards, and promotional materials.

A to B Moving plans to grow the business over the next five (5) years, by applying for statewide authority, and adding trucks, and employees. Mr. Powell also intends to form a limited liability company for the business.

Mr. Powell testified there are no outstanding judgments against him or A to B Moving. Further, A to B Moving is familiar with all statutes and regulations governing for-hire motor carrier operations in South Carolina, including the Commission's regulations regarding insurance requirements.

ORS did not prefile direct testimony. By letter dated February 1, 2021, ORS stated it is "of the opinion that the Applicant will meet the requirements of fit, willing and able as required of a Household Goods Mover under the provisions of S.C. Code Ann. Regs. 103-133." Thomas McGill, Assistant Manager of ORS' Safety, Transportation, and Emergency Response Department, was called by the Commission to testify about his inspection of the Applicant and review of the Application. Mr. McGill met with the Applicant, inspected his truck and equipment, and found A to B Moving is fit, willing, and able to provide household goods moving service.

IV. LAW

The Commission is charged with promulgating regulations to govern the operations of carriers of household goods. S.C. Code Ann. § 58-23-590(A). The Commission is authorized to fix or approve just and reasonable rates, fares, and charges upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. S.C. Code Ann. § 58-23-1010 (2015); S.C. Code Ann. Regs. 103-133(1) (2012); S.C. Code Ann. Regs. 103-192 (2012). S.C. Code Ann. Regs. 103-133 (2012) is entitled "Proof Required to Justify Approving an Application" and for household goods applications, provides as follows:

- a. **FIT.** The applicant must demonstrate or the commission determines that the applicant's safety rating is satisfactory. This can be obtained from

U.S.D.O.T. and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety operations in South Carolina, and agree to operate in compliance with these statutes and regulations.

- b. **ABLE.** The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the commission's insurance requirements and the costs associated therewith. Additionally, the applicant can file a statement indicating the applicant's purpose for seeking a Class E Certificate, the applicant's 5-year plan if the commission grants the applicant a Class E Certificate, and such other information that may be contained in a business proposal.
- c. **WILLING.** Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

(emphasis added) S.C. Code Ann. Regs. 103-133(1) (2012).

V. DISCUSSION

Based upon the evidence of record, A to B Moving has demonstrated it is fit, willing, and able to provide and properly perform the proposed services. Mr. Powell testified there are no outstanding judgments pending against Applicant and certified A to B Moving is familiar with and will comply with all statutes and regulations governing for-hire motor carrier services. This satisfies the "fitness" requirement.

"Able" was demonstrated by Applicant's ownership of a truck and equipment. Applicant has also provided insurance quotes, which indicates Applicant is aware of the

Commission's insurance requirements and the costs associated therewith. Further, Applicant has experience as a household goods mover.

Having demonstrated A to B Moving is "fit" and "able" to provide the proposed service, filing the Application satisfies the "willing" requirement.

Because this Application is unopposed, the Commission need not consider the public convenience and necessity requirement. S.C. Code Regs. 103-134 (2012). Nevertheless, Applicant has met the public convenience and necessity requirement by testifying South Carolina's population growth indicates the need for qualified movers will be strong.

VI. FINDINGS OF FACT

The Commission finds there are no outstanding judgments pending against A to B Moving. Further, Applicant is familiar with and agrees to comply with all statutes and regulations governing movers of household goods. A to B Moving is fit to appropriately perform the service described in its Application.

1. The Commission finds A to B Moving owns a vehicle to provide the service described in its Application. Further, A to B Moving included with its Application an insurance quote. A to B Moving is able to appropriately perform the service described in its Application.

2. The Commission finds that by submitting its Application, A to B Moving has demonstrated it is willing to appropriately perform the proposed service.

3. The Commissions finds that public convenience and necessity are not already being served by existing authorized services.

VII. CONCLUSIONS OF LAW

1. The Commission concludes that A to B Moving has demonstrated it is fit, willing, and able to appropriately perform the service described in its Application. S.C. Code Ann. Regs. 103-133(1) (2012).

2. The Commission concludes that the public convenience and necessity are not already being served by existing authorized service. S.C. Code Ann. Regs. 103-133(1) (2012).

3. The Commission concludes that a Class E (Household Goods) Certificate of Public Convenience and Necessity should be granted to A to B Moving.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

1. The Application of James Powell, d/b/a A to B Moving and Services for a Class E (Household Goods) Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods to points and places throughout South Carolina.

2. A to B Moving' Tariff and Bill of Lading are approved and attached hereto as Order Exhibits 1 and 2, respectively.

3. Applicant shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. § 58-23-10 et seq., as amended, and by S.C. Regulations 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, and S.C. Regulations 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended,

within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

4. Upon compliance with S.C. Code Ann. § 58-23-10 et seq., and the applicable Regulations for Motor Carriers, a Certificate will be issued by ORS authorizing the motor carrier services granted herein.

5. The motor carrier's services authorized by this Order may not be provided prior to compliance with the above-referenced requirements and receipt of a Certificate.

6. Failure of Applicant to either (1) complete the certification process by complying with ORS requirements within ninety (90) days of this Order, or (2) to request and obtain from the Commission additional time to comply with the requirements stated above, will cause this Order granting the Application to be null and void, and the Application will be dismissed without prejudice. No further order of this Commission is necessary.

7. Should Applicant fail to meet the requirements of this Order, ORS is requested to furnish the name and docket number of Applicant to the Commission, pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014). If such notification is provided, the docket will be closed.

8. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION

Florence P. Belser, Vice- Chairman
Public Service Commission of
South Carolina